

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:92-cr-0016-JMS-TAB
)	
PERCY E. WILLIAMS,)	- 02
)	
Defendant.)	

REPORT AND RECOMMENDATION

On January 10, 2019, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on May 30, 2018. Defendant Williams appeared in person with his appointed counsel William Dazey. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jason Phillips.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Williams of his rights and provided him with a copy of the petition. Defendant Williams orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Williams admitted violation 1, and 2.
[Docket No. 4.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 “The defendant report to the probation officer as directed by the court or probation officer.”**

Mr. Williams failed to report to the probation office on May 7, and 18, 2018. In addition, multiple attempts to reach the offender at home and via telephonic means have failed. The offender has not been in contact with his officer since April 19, 2018, and his current whereabouts is unknown.

- 2 “The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, vocational training, or other acceptable reasons.”**

The offender has failed to provide verification to the probation officer that he is lawfully employed or actively seeking lawful employment.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant’s criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months’ imprisonment.

5. Government recommended a sentence of sixty (60) days incarceration with three (3) years of supervised release including up to one hundred and eighty (180) days of GPS monitoring and home detention. Defendant recommended three (3) years of supervised release including up to one hundred and eighty (180) days of GPS monitoring and home detention. The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of sixty (60) days with three (3) years of

supervised release to follow. In addition to the mandatory conditions of supervision, the following conditions of supervised release will be imposed:

1. You shall report to the probation office in the judicial district to which you are released within 72 hours of release from the custody of the Bureau of Prisons. (Supervised Release cases only).
2. You shall report to the probation officer in a manner and frequency directed by the court or probation officer.
3. You shall permit a probation officer to visit you at a reasonable time at home, or another place where the officer may legitimately enter by right or consent, and shall permit confiscation of any contraband observed in plain view of the probation officer.
4. You shall not knowingly leave the judicial district without the permission of the court or probation officer.
5. You shall answer truthfully the inquiries by the probation officer, subject to your 5th Amendment privilege.
6. You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.
7. You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in who lives there, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.
8. You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.
9. You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.
10. You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.
11. You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.

12. As directed by the probation officer, you shall notify third parties who may be impacted by the nature of the conduct underlying your current or prior offense(s) of conviction and/or shall permit the probation officer to make such notifications and/or confirm your compliance with this requirement.

13. You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.

Justification: These conditions are recommended to assist the probation officer in supervising the offender in the community, and to ensure the safety of the community.

14. You shall participate in a vocational services program at the direction of the probation officer and abide by the rules and regulations of that program. Such program may include job readiness training and skills development training.

15. If you are employed less than 20 hours per week, you will perform at least 5 hours of community service per week, at a location approved by the probation officer.

Justification: Mr. Williams has had sporadic employment since start of supervision. These conditions will serve as a means to assist and motivate Mr. Williams in securing employment, and accounting for his free-time.

16. You shall pay the costs associated with the following imposed conditions of supervised release/probation, to the extent you are financially able to pay: substance abuse treatment, substance abuse testing, mental health treatment. The probation officer shall determine your ability to pay and any schedule of payment.

17. You shall be monitored by GPS Monitoring for a period of up to 180 days, to commence as soon as practical, and shall abide by all the technology requirements. You may be restricted to your residence at all times except for employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits, court ordered obligations, or other activities as pre-approved by the probation officer.

Justification: Due to Mr. Williams current violation of not reporting this will serve as a means to account for his whereabouts.

18. You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary. You shall submit to the seizure of contraband

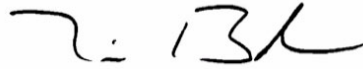
found by the probation officer. You shall warn other occupants these locations may be subject to searches.

Defendant reviewed the foregoing conditions and they were reviewed by defendant with his attorney. Defendant, on the record, waived reading of the above-noted conditions of supervised release.

The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Date: 01/31/2019



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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